

## **EXHIBIT 3**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF DELAWARE**

SARA S. ECHEVARRIA,

Plaintiff,

v.

U-HAUL INTERNATIONAL, INC.,  
ROGER MAYFIELD, and  
NATIONWIDE GENERAL INSURANCE  
COMPANY

Defendants.

Case No. 05-284 (GMS)

Removed from Superior Court,  
New Castle County, Delaware  
C.A. No.: 05C-03-188 WCC

**AFFIDAVIT OF FRANCIS H. LoCOCO**

STATE OF WISCONSIN     )  
                                      )ss  
MILWAUKEE COUNTY     )

FRANCIS H. LoCOCO, being first duly sworn, on oath, deposes and states as follows:

1. I am an attorney at Quarles & Brady LLP, counsel of record for defendant U-Haul International, Inc. ("U-Haul"), in this matter and make this affidavit upon personal knowledge being duly authorized to do so.

2. Based on my understanding of plaintiff's injuries and claims in this case, U-Haul is not uninsured or underinsured.

3. Upon receipt of plaintiff's Motion for Remand, I attempted to contact Richard DiLiberto, Jr., Ms. Echevarria's counsel, on May 25, 2005 to request that he withdraw the motion to remand. Although I did not speak with him directly, I did leave a voicemail explaining that Nationwide had consented to removal.

4. On May 26, 2005, I again left Mr. DiLiberto a voicemail and sent him a letter asking him to withdraw his Motion to Remand. I explained that Nationwide had, in fact,

consented in writing prior to U-Haul filing the Notice of Removal. I also explained that U-Haul had not filed Nationwide's consent based on the advice of the Clerk of the Court. I have attached a true and correct copy of this letter as Exhibit A.

5. Finally, on May 31, 2005 I spoke by telephone with Mr. DiLiberto. I again explained U-Haul's position that plaintiff's Motion to Remand was baseless because Nationwide had consented in writing to removal prior to U-Haul's removal and because the Clerk of the Court had informed U-Haul that filing Nationwide's consent was not necessary. I again requested that he withdraw his Motion to Remand.

6. In our telephone conversation, Mr. DiLiberto refused to withdraw the motion.

Francis H. J. Jr.

Subscribed and sworn to before me  
this 2nd day of June, 2005

Joan L. Bernsten  
Notary Public, State of Wisconsin  
My Commission : expires 05-21-06